

Item 64 ph



**Zone Hearings/App Ordinances/Restrictive Covenants
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**

AGENDA DATE: 4/6/2006

Subject: C14-05-0200 - Rockin Y - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7629, 7715 and 7739 SH 71 West (Williamson Creek Watershed-Barton Springs Zone) from rural residence (RR) district zoning to neighborhood commercial-mixed use conditional overlay (LR-MU-CO) combining district zoning. Planning Commission Recommendation: To grant neighborhood commercial-mixed use conditional overlay (LR-MU-CO) combining district zoning for Tract 1; and limited office-mixed use conditional overlay (LO-MU-CO) combining district zoning for Tract 2. Applicant: Eric Yerkovich; Michael Wayne Bome; and Crystal Lee Bomer. Agent: Land Answers (Jim Wittliff). City Staff: Wendy Walsh, 974-7719.

Requesting Department: NPZD

For More Information: Wendy Walsh, 974-7719

ZONING CHANGE REVIEW SHEET

CASE: C14-05-0200

P.C. DATE: February 14, 2006

ADDRESS: 7629, 7715 and 7739 West SH 71

OWNER: Eric Yerkovich;
Michael Wayne Bomer;
Crystal Lee Bomer

AGENT: Land Answers
(Jim Wittliff)

ZONING FROM: RR **TO:** LR-MU-CO **AREA:** 1.310 acres

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant neighborhood commercial – mixed use – conditional overlay (LR-MU-CO) combining district zoning for Tract 1 and limited office – mixed use – conditional overlay (LO-MU-CO) combining district for Tract 2, as shown in Exhibit B. The Conditional Overlay: 1) limits the number of daily trips to 2,000 and 2) establishes a 50 foot wide vegetative buffer along the southeastern property line, where adjacent to SF-1 zoning.

PLANNING COMMISSION RECOMMENDATION:

February 14, 2006: *APPROVED STAFF'S RECOMMENDATION FOR LR-MU-CO DISTRICT ZONING FOR TRACT 1 AND LO-MU-CO DISTRICT ZONING FOR TRACT 2; WITH ADDED CONDITIONS TO PROHIBIT DRIVE-THRU SERVICES AS AN ACCESSORY USE; AND TO LIMIT HEIGHT TO 1-STORY WITHIN 150 FEET OF SF-1 ZONED PROPERTY; BY CONSENT.*

[D. SULLIVAN; M. DEALEY 2ND] (8-0) J. REDDY – ABSENT

ISSUES:

On Sunday, February 19th, the Applicant met to discuss the case with several nearby property owners of the Scenic Brook Neighborhood Association. Prior to the Planning Commission meeting, the Applicant also met with an adjacent property owner and agreed to provide a 50-foot wide vegetative buffer along the southeastern property line, where adjacent to SF-1 zoning and requested that Staff add this to its recommendation. No buildings, driveways or parking areas will be constructed within the buffer area. The adjacent property owner is also seeking height restrictions, limited hours of operation and prohibition of drive-through service uses. The Applicant is also agreeable to prohibiting drive-through service uses. Please refer to correspondence from the adjacent property owner that is attached at the back of the report.

The Applicant is in agreement with the recommendation of the Planning Commission.

The requested rezoning area is located within the Oak Hill Neighborhood Planning Area. On January 11, 2006, the Neighborhood Planning Committee voted to exempt this case from the Planning Commission's postponement policy for zoning cases that were filed in areas currently undergoing a neighborhood planning process.

DEPARTMENT COMMENTS:

The rezoning area consists of three unplatted, undeveloped tracts with the exception of one single family residence, zoned rural residence (RR), and situated along the south side of State Highway 71. The surrounding area to the west is generally undeveloped, with commercial uses along the north side of SH 71 (GR; CS-1-CO), undeveloped land, an art studio, a single family residence and office uses to east fronting on SH 71 (RR; GO-CO; NO), single family residences within the Scenic Brook subdivision to the southeast (SF-1) and undeveloped land to the south (RR). Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

The Applicant proposes to rezone the tract to the neighborhood commercial – mixed use (LR-MU) district to develop the property with 15,000 to 20,000 square feet of retail uses along SH 71 with the potential for 10 or fewer townhomes on the south side of the property. This segment of SH71 West is scheduled to be expanded and converted to an at-grade toll road, forecasted for completion by mid-2007. Toll collection facilities will be located on Highway 290. TXDOT has identified that approximately 150 feet of right-of-way is necessary along the south side of SH 71 to complete the project.

Commercial zoning and uses are appropriately located on a major arterial roadway, and the Staff recommendation for LR-MU for a depth of 400 feet closest to SH 71 (being the future right-of-way area plus 225 feet, and shown as Tract 1) provides the opportunity for future commercial development to occur. Given the depth of this property, however, the Staff recommends a transition in zoning to the limited office – mixed use (LO-MU) district for the south portion of the rezoning area (Tract 2), which would enable office and / or townhome development. Please refer to Exhibit B. The recommended LR and LO zonings would provide a better transition and assist in promoting an orderly relationship among land uses as they develop in the immediate area. On both Tracts 1 and 2, the Conditional Overlay for a 50 foot wide vegetative buffer as offered by the Applicant would provide greater compatibility to the single family residences to the southeast, and a 2,000 daily trip limit will maintain acceptable traffic conditions on adjacent roadways and intersections.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	RR	One single family residence; Undeveloped
<i>North</i>	GR; CS-1-CO	Retail; Restaurant; Liquor store; Service station with convenience store; Office
<i>South</i>	RR; SF-1	One single family residence; Single family residences
<i>East</i>	RR; SF-1	Undeveloped; Art studio; Single family residences;

		Offices
<i>West</i>	LO; RR; CS	Undeveloped; One single family residence; Swimming pool sales

NEIGHBORHOOD PLANNING AREA: Oak Hill NPA **TIA:** Is not required
(West Oak Hill)

WATERSHED: Williamson Creek – **DESIRED DEVELOPMENT ZONE:** No
Barton Springs Zone

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

226 – Scenic Brook Neighborhood Association
 298 – Oak Hill Association of Neighborhoods (OHAN)
 384 – Save Barton Creek Association 385 – Barton Springs Coalition
 459 – Wynnrock Area Neighborhood Association
 605 – City of Rollingwood 705 – OHAN 78735
 706 – OHAN 78736 707 – OHAN 78737
 708 – OHAN 78738 709 – OHAN 78739
 710 – OHAN 78749
 742 – Austin Independent School District 943 – Save Our Springs Alliance

SCHOOLS:

Oak Hill Elementary School Small Middle School Bowie High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-00-2243	RR to GO	To Grant GO with Neighborhood Office development regulations and prohibit medical offices (1-16-2001; Vote: 5-4)	Approved GO-CO as Commission recommended (2-15-01).
C14-99-2123	GR to CS-1	To Grant CS-1-CO with 2,000 trips and prohibit on-site consumption (1-25-00; Vote: 8-0)	Approved CS-1-CO as Commission recommended (3-2-00).

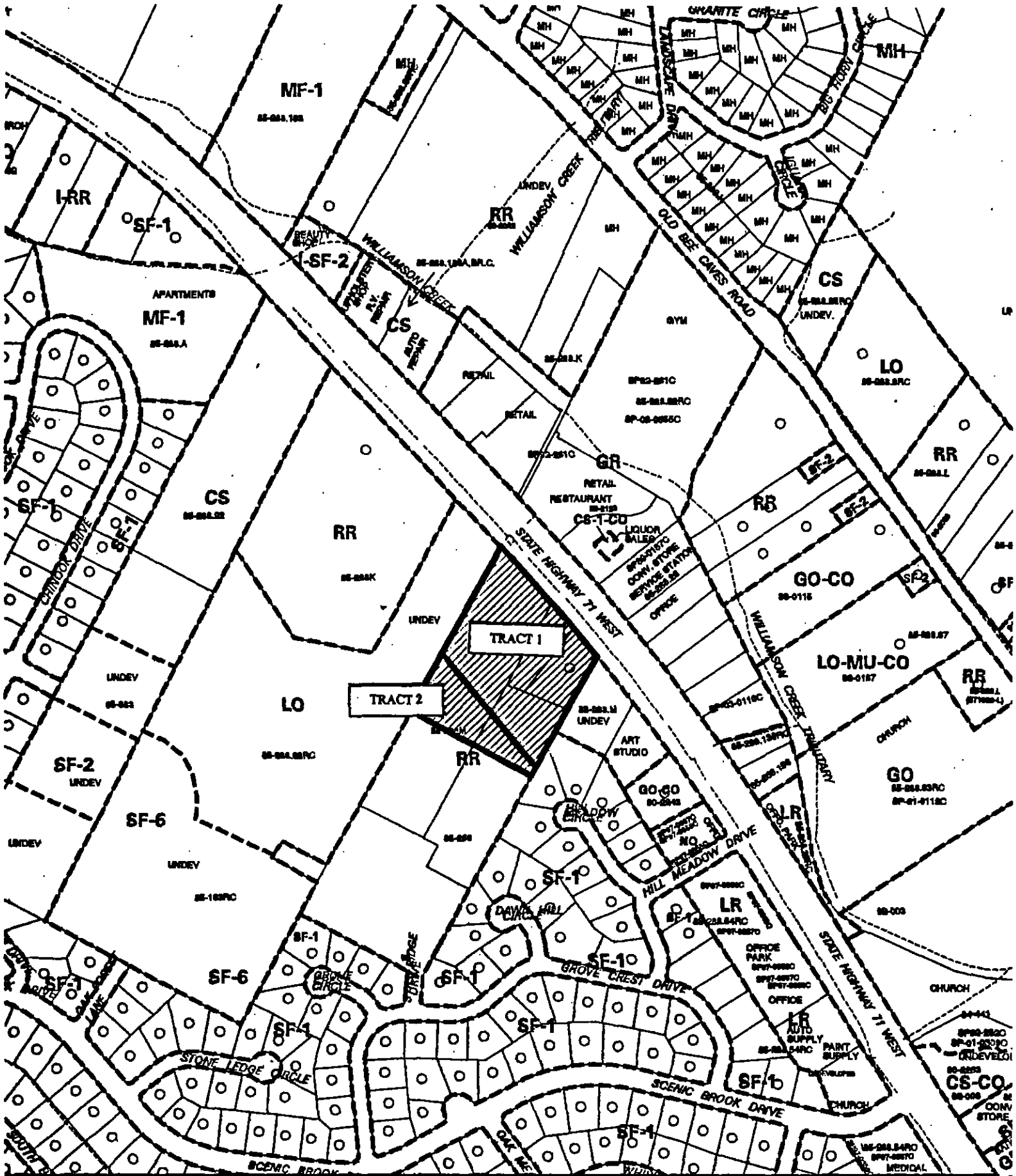
RELATED CASES:

The property was zoned rural residence on October 29, 1987 (C14-85-288.M). There are no related subdivision or site plan applications on the subject property.

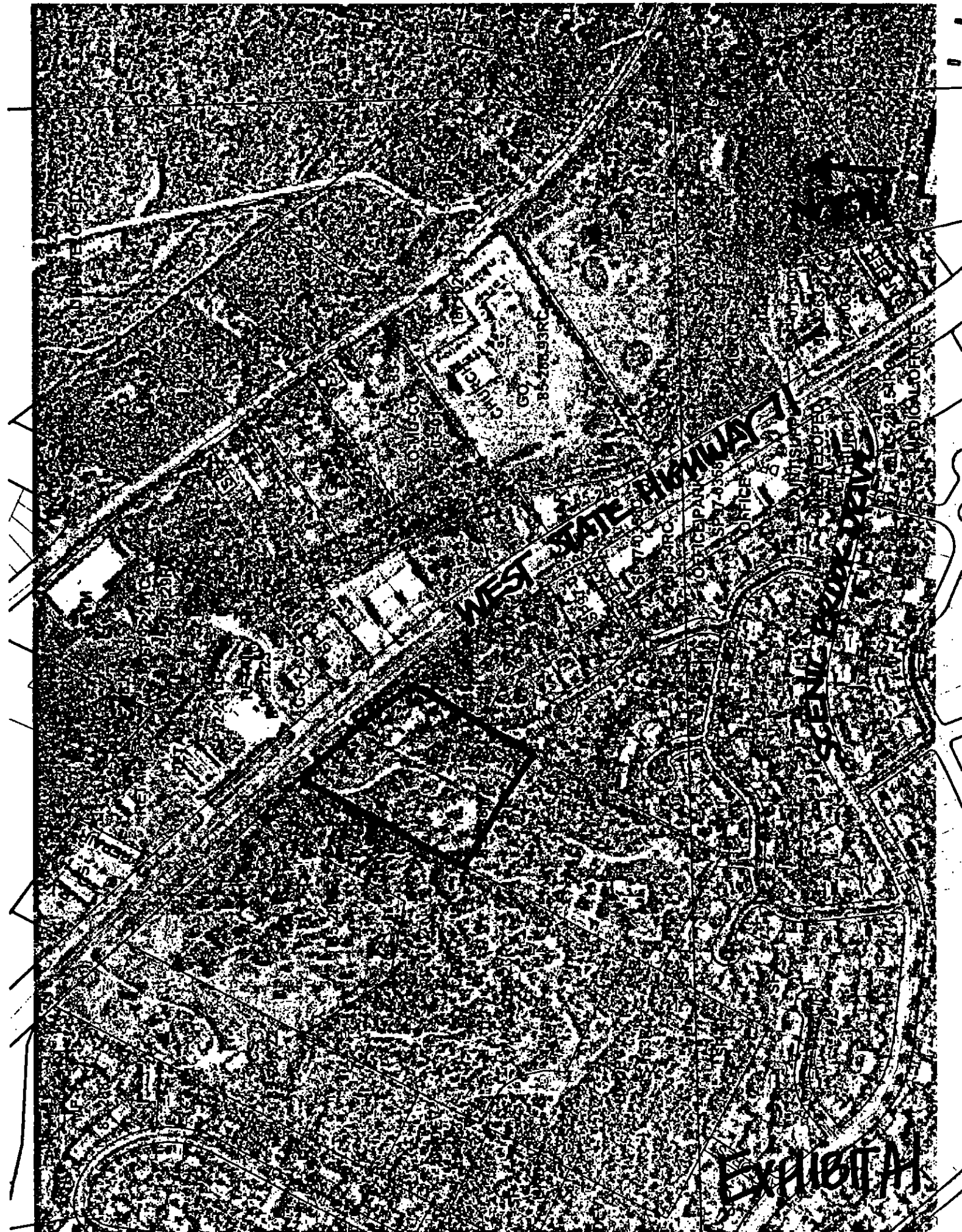
ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bus Route	Bike Route
SH 71 West	150 feet	60 feet	Major Arterial	No	No	No

CITY COUNCIL DATE: April 6, 2006**ACTION:****ORDINANCE READINGS:** 1st2nd3rd**ORDINANCE NUMBER:****CASE MANAGER:** Wendy Walsh
e-mail: wendy.walsh@ci.austin.tx.us**PHONE:** 974-7719



 1" = 400'	SUBJECT TRACT		ZONING EXHIBIT A CASE #: C14-06-0200 ADDRESS: 7629, 7715 & 7739 W SH SUBJECT AREA (acres): 1.310	DATE: 06-03 INTLS: SM	CITY GRID REFERENCE NUMBER B20
	PENDING CASE				
	ZONING BOUNDARY				
	CASE MGR: W.WALSH				



WEST STATE AVENUE

GO 85-288.93RC

OFFICE OF THE ATTORNEY GENERAL

SP57-8368

OFFICE OF THE ATTORNEY GENERAL

OFFICE OF THE ATTORNEY GENERAL

OFFICE OF THE ATTORNEY GENERAL

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OFFICE OF THE ATTORNEY GENERAL

OFFICE OF THE ATTORNEY GENERAL

EXHIBIT A

1" = 100'

RESTAURANT

00-2123

C8-T-CC

STATE HIGHWAY 71 WEST

150' ADD'L ROW

18K

UNDEV

225' RETAIL AREA

TRACT 1

TRACT 2

85-288.M UNDEV

RR

50' VEG. BUFFER

A 6TI

HEADW CIRCLE
EXHIBIT B
STAFF RECOMMEND

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant neighborhood commercial – mixed use – conditional overlay (LR-MU-CO) combining district zoning for Tract 1 and limited office – mixed use – conditional overlay (LO-MU-CO) combining district for Tract 2, as shown in Exhibit B. The Conditional Overlay: 1) limits the number of daily trips to 2,000 and 2) establishes a 50 foot wide vegetative buffer along the southeastern property line, where adjacent to SF-1 zoning.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

1. The proposed zoning should be consistent with the purpose statement of the district sought.

The neighborhood commercial (LR) district is intended for shopping facilities that provide limited business services and offices to the residents of the neighborhood, such as consumer repair services, food sales, service stations, and pet services. The purpose statement listed in the City of Austin *Land Development Code* states: "The Neighborhood Commercial district is the designation for a commercial use that provides business service and office facilities for the residents of a neighborhood. Site development regulations and performance standards applicable to a LR district use are designed to ensure that the use is compatible and complementary in scale and appearance with the residential environment." The mixed use (MU) district is intended to allow for office, retail, commercial and residential uses to be combined in a single development.

Limited office (LO) zoning is intended for office use predominantly serving the neighborhood or community needs, such as professional, semi-professional and medical offices, which may be located within or adjacent to residential neighborhoods.

2. Zoning changes should promote an orderly and compatible relationship among land uses.

Commercial zoning and uses are appropriately located on a major arterial roadway, and the Staff recommendation for LR-MU for a depth of 400 feet closest to SH 71 (being the future right-of-way area plus 225 feet, and shown as Tract 1) provides the opportunity for future commercial development to occur. Given the depth of this property, however, the Staff recommends a transition in zoning to the limited office – mixed use (LO-MU) district for the south portion of the rezoning area (Tract 2), which would enable office and / or townhome development. Please refer to Exhibit B. The recommended LR and LO zonings would provide a better transition and assist in promoting an orderly relationship among land uses as they develop in the immediate area. On both Tracts 1 and 2, the Conditional Overlay for a 50 foot wide vegetative buffer as offered by the Applicant would provide greater compatibility to

the single family residences to the southeast, and a 2,000 daily trip limit will maintain acceptable traffic conditions on adjacent roadways and intersections.

EXISTING CONDITIONS

Site Characteristics

The property is undeveloped with the exception of one single family residence. The site slopes to the southeast, towards the residences at the cul-de-sac of Hill Meadow Circle.

Impervious Cover

The maximum impervious cover allowed by the LR or LO zoning districts would be 25%, which is based on the more restrictive watershed regulations described below.

Environmental

This site is not located over the Edward's Aquifer Recharge Zone. The site is in the Williamson Creek Watershed of the Colorado River Basin, which is classified as a Barton Springs Zone (BSZ) watershed in this area. It is in the Drinking Water Protection Zone.

Project applications at the time of this report are subject to the SOS Ordinance that allows 15% impervious cover in the recharge zone, 20% impervious cover in the Barton Creek watershed and 25% impervious cover in the Contributing Zone. This tract lies in the Contributing Zone.

According to flood plain maps, there is no flood plain within the project location.

The site is not located within the endangered species survey area.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

At this time, site specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment on this site will be subject to providing structural sedimentation and filtration basins with increased capture volume and 2 year detention. Runoff from the site is required to comply with pollutant load restrictions as specified in LDC Section 25-8-514.

At this time, no information has been provided as to whether this property has any preexisting approvals which would preempt current water quality or Code regulations.

Transportation

The Austin Metropolitan Area Transportation Plan calls for a total of 400 feet of right-of-way for SH 71 West. Please note that reservation of additional right-of-way may be required during the subdivision or site plan process. (LDC, Sec. 25-6-51 and 25-6-55)

The trip generation under the requested zoning is estimated to be 7,553 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

Water and Wastewater

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extension, system upgrades, utility relocation, and utility adjustments to serve each lot, each tract, and land use. Also, the water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. The utility plan must be in accordance with the City design criteria. The water and wastewater utility construction must be inspected by the City. The landowner must pay the associated City fees.

Compatibility Standards

- Existing site plan not applicable
- Compatibility Standards

The site is subject to compatibility standards. Along the southeast property line, the following standards apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- A landscape area along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

Additional design regulations will be enforced at the time a site plan is submitted.

Walsh, Wendy

From: landanswers [landanswers@sbcglobal.net]
Sent: Thursday, February 02, 2006 5:40 PM
To: Walsh, Wendy
Cc: eyerkovich@yahoo.com
Subject: C14-05-0200, Rockin Y Rezoning

Dear Wendy:

After speaking with Nancy Wehmer one of the adjacent residential neighbors, we have agreed to add the following condition to our rezoning application:

A minimum 50 foot wide vegetative buffer will be provided along the southeastern property line for the benefit of the two adjacent residential lots. No buildings, driveways or parking areas will be constructed within the buffer area.

Please add this or similar appropriate language to the staff recommendation.

Thank you
Jim Wittliff

Land Answers
611 S. Congress Avenue, Suite 330
Austin, Texas 78704
(512) 416-6611
Fax (512) 416-6610

2/3/2006

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

www.ci.austin.tx.us/development

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-05-0200

Contact: Wendy Walsh, (512) 974-7719

Public Hearing:

February 14, 2006 Planning Commission

Site regulations requested

☐ I am in favor
☐ I object

Nancy Mabry-Wehmer
Your Name (please print)

7509 Hill Meadow Circle
Your address(es) affected by this application

Nancy Mabry-Wehmer
Signature

Date

Site regulations requested
Comments: as attached

1-4

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Wendy Walsh

P. O. Box 1088

Austin, TX 78767-8810

2-2-06

Case # C14-05-0200

Wendy Walsh 974 7719
P.O. Box 1088
Austin, TX 78767-8810

Public Hearing: 2/14/2006
City Council Chamber, 301 West 2nd Street, 6:00 PM

Planning Commission

Nancy Mabry-Wehmer
Resident 7509 Hill Meadow Circle

Everyone is familiar with our neighborhood due to the toll road plan which places the tollroad gantry on Hiway 71 next to this property, so that we are anticipating an increased traffic flow due to AMD, as well as the new hiway. As you know OHAN has been asking for responsible development and consideration for residents in the Oak Hill community, to maintain a reasonable quality of life. We are hoping for some development standards to be able to continue living here.

The property in question is located on a low rise cliff above our home. Any construction will be at our rooftop. In respect for the homeowners, here are our requests:

1. **Runoff** – We request a berm with environmental water diversion. When the property is cleared, the water moves into the ground and sideways and out of the hill in a weeping wall effect, not overground as expected.
2. **Height restriction** –(townhouse apartments, office, etc) We request a wood privacy fence and a low rise building restriction to be enforced as used in the strip malls on hiway 71 overlooking other residences in Scenic Brook from here to the Y.
3. **Business hours** – We request limited business hours of 8-5PM, or 7-6PM, nothing past 8PM; as well as closed on Sundays, without landscaping, etc. on Sunday, just to respect hours of rest for homeowners
4. **No drivethru services** – We hope to encourage traffic flow down the access roads onto the hiway, but offroad into our community for restaurants and services in developments nearby

ORDINANCE NO. _____

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 7629, 7715, AND 7739 WEST STATE HIGHWAY 71 FROM RURAL RESIDENCE (RR) DISTRICT TO NEIGHBORHOOD COMMERCIAL-MIXED USE-CONDITIONAL OVERLAY (LR-MU-CO) COMBINING DISTRICT FOR TRACT ONE AND LIMITED OFFICE-MIXED USE-CONDITIONAL OVERLAY (LO-MU-CO) COMBINING DISTRICT FOR TRACT TWO.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base districts on the property described in Zoning Case No. C14-05-0200, on file at the Neighborhood Planning and Zoning Department, as follows:

Tract One: From rural residence (RR) district to neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district.

A 4.1569 acre tract of land, more or less, out of the A.J. Bond Survey No. 91, Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance; and

Tract Two: From rural residence (RR) district to limited office-mixed use-conditional overlay (LO-MU-CO) combining district.

A 1.2498 acre tract of land, more or less, out of the A.J. Bond Survey No. 91, Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "B" incorporated into this ordinance (the "Property"),

locally known as 7629, 7715 and 7739 West State Highway 71, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "C".

PART 2. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

1. A 50-foot wide vegetative buffer shall be provided and maintained along the southeast property line adjacent to a single family residence district zoned property.

2. A building or structure constructed on the Property within 150 feet of an adjacent single family district zoned property:

a) may not exceed a height of 28 feet from ground level; and

b) may not exceed a height of two stories

3. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 2,000 trips per day.

4. Drive-in service is prohibited as an accessory use to a commercial use on Tract One.

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the respective base districts and other applicable requirements of the City Code.

PART 3. This ordinance takes effect on _____, 2006.

PASSED AND APPROVED

_____, 2006

Will Wynn
Mayor

APPROVED:

David Allan Smith
City Attorney

ATTEST:

Shirley A. Gentry
City Clerk

C14-05-0200

TRACT ONE

Zoning Tract One

EXHIBIT A

METES AND BOUNDS DESCRIPTION

Being all that certain 4.1569 acre tract or parcel of land situated in the A. J. BOND SURVEY NO. 91, Travis County, Texas, and being out of and part of three (3) tracts: (a) 4.9863 acres (called 5.00 acres) as described in Deed to Eric Yerkovich recorded in Volume 12560, Page 2053, Travis County Real Property Records (TCRPR); (b) 3.0076 acres (called 3.00 acres) as described in Deed to Eric Yerkovich recorded in Document No. 2005067084, Travis County Official Public Records; and (c) 1.3086 acres (called 1.31 acres) as described in Deed to Michael W. Bomer recorded in Volume 12588, Page 1217, TCRPR; said 4.1569 acres being more particularly described by metes and bounds as follows, to-wit:

BEGINNING at an iron pipe found marking the Northeast corner hereof, same being the Northeast corner of said 1.3086 acre tract, same being the Northwest corner of Lot 1, LARSON OAKS ADDITION, a subdivision according to the map or plat thereof recorded in Volume 24, Page 21, Travis County Plat Records (TCPR), same being located in the curving Southerly right-of-way line of U.S. Highway 71 (West);

THENCE, South 29°58'51" West, with the East line of said 1.3086 acre tract, a distance of 230.02 feet to an iron pipe found marking the Southeast corner of said 1.3086 acre tract and the Northeast corner of said 3.0076 acre tract;

THENCE, South 28°43'05" West, with the East line of said 3.0076 acre tract and the West line of said Lot 1, a distance of 57.35 feet to an iron pipe found marking an angle point hereof, same being the Southwest corner of said Lot 1 and the Northwest corner of Lot 51, SCENIC BROOK WEST, SECTION ONE, according to the map or plat thereof recorded in Volume 43, Page 14, TCRPR;

THENCE, South 29°56'27" West, with the East line of said 3.0076 acre tract and the West line of said SCENIC BROOK WEST, SECTION ONE, a distance of 124.43 feet to a point for the Southeast corner hereof;

THENCE, North 37°35'26" West, a distance of 226.42 feet to a point for corner in the common line of said 3.0076 acre and 4.9863 acre tracts;

THENCE, continue, North 37°35'26" West, a distance of 253.66 feet to a point for corner in the West line of said 4.9863 acre tract;

THENCE, North 29°53'20" East, with the West line of said 4.9863 acre tract, a distance of 398.85 feet to an iron rod set marking the Northwest corner hereof, same being located in the said South right-of-way line of U.S. Highway 71;

THENCE, South 40°12'00" East, with the said South right-of-way line of U.S. Highway 71, a distance of 250.00 feet to an iron pipe found marking the common North corner of said 4.9863 acre and 1.3086 acre tracts;

THENCE, in a Southeasterly direction along the arc of a curve to the right and with the said South right-of-way line of U.S. Highway 71, said curve having a radius of 5651.69 feet, a chord bearing and distance of South 37°47'28" East-225.91 feet to the POINT OF BEGINNING and containing 4.1569 acres of land.

BASIS OF BEARINGS: Vol. 8532, Pg. 284, TCRPR

Compiled By:
Robert M. Sherrod, R.P.L.S.
GEO, A Geographical Land Services Co.
4412 Spicewood Springs Road, #1002
Austin, Texas 78759
March 3, 2006
GEO Job No. 0511324



Zoning Tract Two

EXHIBIT B

METES AND BOUNDS DESCRIPTION

Being all that certain 1.2498 acre tract or parcel of land situated in the A. J. BOND SURVEY NO. 91, Travis County, Texas, and being out of and part of two (2) tracts: (a) 4.9863 acres (called 5.00 acres) as described in Deed to Eric Yerkovich recorded in Volume 12560, Page 2053, Travis County Real Property Records (TCRPR); and (b) 3.0076 acres (called 3.00 acres) as described in Deed to Eric Yerkovich recorded in Document No. 2005067084, Travis County Official Public Records; said 1.2498 acres being more particularly described by metes and bounds as follows, to-wit:

COMMENCING at an iron pipe found marking the Northeast corner hereof, same being the Northeast corner of a 1.3086 acre tract, as described in Deed to M. W. Bomer recorded in Volume 12588, Page 1287, TCRPR, same being the Northwest corner of Lot 1, LARSON OAKS ADDITION, a subdivision according to the map or plat thereof recorded in Volume 24, Page 21, Travis County Plat Records (TCPR), same being located in the curving Southerly right-of-way line of U.S. Highway 71 (West);

THENCE, South 29°58'51" West, with the East line of said 1.3086 acre tract, a distance of 230.02 feet to an iron pipe found marking the Southeast corner of said 1.3086 acre tract and the Northeast corner of said 3.0076 acre tract;

THENCE, South 28°43'05" West, with the East line of said 3.0076 acre tract and the West line of said Lot 1, a distance of 57.95 feet to an iron pipe found marking an angle point hereof, same being the Southwest corner of said Lot 1 and the Northwest corner of Lot 51, SCENIC BROOK WEST, SECTION ONE, according to the map or plat thereof recorded in Volume 43, Page 14, TCRPR;

THENCE, South 29°56'27" West, with the East line of said 3.0076 acre tract and the West line of said SCENIC BROOK WEST, SECTION ONE, a distance of 124.43 feet to an iron rod set marking the Northeast corner and POINT OF BEGINNING hereof;

THENCE, continue, South 29°56'27" West, with the said East line of the 3.0076 acre tract, a distance of 80.57 feet to a point for corner hereof;

THENCE, North 60°10'42" West, a distance of 208.99 feet to a point for corner in the common line of said 4.9863 acre and 3.0076 acre tracts;

THENCE, continue, North 60°10'42" West, a distance of 234.46 feet to a point for corner in the West line of said 4.9863 acre tract;

THENCE, North 29°53'20" East, with the West line of said 4.9863 acre tract, a distance of 214.97 feet to the Northwest corner hereof;

THENCE, South 37°35'26" East, a distance of 253.66 feet for a point for corner in the common line of said 4.9863 acre and 3.0076 acre tracts;

THENCE, continue, South 37°35'26" East, a distance of 226.42 feet to the POINT OF BEGINNING and containing 1.2498 acres of land.

BASIS OF BEARINGS: Vol. 8532, Pg. 284, TCRPR

Compiled By:
Robert M. Sherrod, R.P.L.S.
GEO, A Geographical Land Services Co.
4412 Spicewood Springs Road, #1002
Austin, Texas 78759
March 3, 2006
GEO Job No. 0511324

